

APPENDIX B

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 4 OF THE PHOENIX CITY CODE BY ADDING ARTICLE ____ THERETO, PROVIDING FOR AIRPORT ZONING BY REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY IN THOSE AREA WHERE SUCH STRUCTURES AND OBJECTS AFFECT THE SAFETY OF AIR TRAFFIC MOVEMENTS TO AND FROM THE PHOENIX-DEER VALLEY MUNICIPAL AIRPORT BY CREATING APPROACH ZONES, TRANSITION ZONES, HORIZONTAL ZONE, AND CONICAL ZONE, AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTION AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE PHOENIX-DEER VALLEY MUNICIPAL AIRPORT ZONING MAPS WHICH ARE INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; ESTABLISHING A BOARD OF APPEALS; PROVIDING FOR ENFORCEMENT; AND IMPOSING PENALTIES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1. That Chapter 4 of the code of the City of Phoenix, 1969, is hereby amended by adding Article ____ thereto, to read as follows:

In pursuance of the authority conferred by the Uniform State law of Aeronautics, Arizona Revised Statutes, 1956, Section 2-321 to Section 2-331, inclusive, and inasmuch as an airport hazard endangers the lives and property of users of the Phoenix-Deer Valley Municipal Airport and of occupants of land in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of Phoenix-Deer Valley Municipal Airport and the public investment therein, it is declared: (1) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region by Phoenix-Deer Valley Municipal Airport; (2) that it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and (3) that prevention of these hazards should be accomplished, to the extent legally possible by exercise of the police power. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation or marking and lighting of existing airport hazards are public purposes.

Sec. 4-____. SHORT TITLE. This ordinance shall be known and may be cited as "The Phoenix Deer Valley Municipal Airport Zoning Ordinance."

Sec. 4-____. AIRPORT ZONING COMMISSION

(a) Creation; Composition; Terms of Members; Vacancies; Compensation of Members.

There is hereby created an Airport Zoning Commission to be known as the "Airport Zoning Commission" to consist of seven (7) members. The members of the Airport Zoning Commission shall be the same as the members of the City Zoning Commission, (known as the City Planning Commission) and the terms of the Airport Zoning Commission shall be the same, and run concurrently with those of the City Zoning Commission. The members of the Commission shall serve without compensation.

(b) Powers and Duties. It shall be the duty of the Commission to hold public hearings where necessary and make recommendations to the Council on all matters concerning or relating to the creation of the various zones, the boundaries thereof, the appropriate regulations to be enforced therein, the amendments of this ordinance, and any other matter within the scope of the police power. The Commission is also authorized to confer and advise with other city, county, regional or state planning commissions.

(c) Selection of Officers; Secretary and Duties. The chairman and vice-chairman of the Commission shall be the same members as the chairman and vice-chairman of the City Zoning Commission. The Planning Director shall serve as the secretary to the commission. The secretary shall sign all reports or recommendations to the Council and, when desired, furnish the Council with the facts as to the adoption of any such report or recommendation and particularly with reference to the number of members of the Commission who participated at the meeting at which any such report or recommendation was authorized, and such other information as the Council may request.

Sec. 4-____. DEFINITIONS. As used in this ordinance, unless the context otherwise required:

AIRPORT - means a tract of land or water maintained for the landing and take-off of aircraft. This shall include heliports and helistops.

AIRPORT BOARD OF ADJUSTMENT - means the Airport Zoning Board of Adjustment consisting of five (5) members appointed by the City Council of the City of Phoenix, and having powers and duties as described in Section 11 of this ordinance. Said Airport Board of Adjustment is hereinafter referred to as the "Board."

AIRPORT ELEVATION - means the established elevation of the highest point on the usable landing area; 1475 feet above Mean Sea Level.

AIRPORT HAZARD - means any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or take-off.

AIRPORT LAYOUT PLAN - means the Deer Valley Municipal Airport Layout Plan as prepared by Howard Needles Tammen & Bergendoff and approved by the Federal Aviation Agency on _____ and identified by the signature of the Airports Director of the City of Phoenix, on _____, as may be amended from time to time. Said map is on file in the office of the Airports Director of the City of Phoenix.

AIRPORT REFERENCE POINT - means the point established as the approximate geographic center of the airport and so designated. The Deer Valley Airport Reference Point is located at coordinates N33°41'17" W112°04'52", said coordinates being located by reference to the Airport Layout Plan.

AIRPORT ZONING COMMISSION - (hereinafter referred to as the "Commission") means the Commission created by this ordinance, which shall be composed of the same members as the City Zoning Commission (known as the City Planning Commission), and which will recommend the boundaries of the various zones to be established and the regulations to be adopted therefor.

AIRPORT ZONING MAP - means the Phoenix-Deer Valley Municipal Airport Zoning Map A attached hereto and incorporated herein by reference, and made a part of this ordinance as fully as if set forth herein, except that any areas and zones shown on the Airport Zoning Maps which lie outside the corporate limits of the City of Phoenix, Arizona, shall be specifically excluded from the provisions of this ordinance.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - these zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in FAR Part 77.

BUILDING OFFICIAL - means the Director of the Building and Housing Safety Department of the City of Phoenix, or his representative.

HEIGHT - for the purpose of determining the height limits in all zones set forth in this ordinance and shown on the Airport Zoning Maps, the datum shall be mean sea level elevation unless otherwise specified.

DEER VALLEY - means the Phoenix-Deer Valley Municipal Airport.

LANDING AREA - means the area of an airport used for the landing, take-off or taxiing of aircraft.

LARGER THAN UTILITY RUNWAY - a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft; Runways 7R and 25L are larger than utility runways.

NON-CONFORMING USE - means any structure, tree, or use of land lawfully existing as of the effective date of this ordinance, which does not conform to a regulation prescribed in this ordinance or an amendment thereto, as of the effective date of such regulation.

NON-PRECISION INSTRUMENT RUNWAY - a runway having an existing instrument approach procedure utilizing air navigation facilities with only

horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document; Runway 7R and 25L are non-precision instrument runways.

PRIMARY SURFACE - a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surfaces at Deer Valley are as follows:

Runway 7L-25R: 250 feet wide
Runway 7R-25L: 500 feet wide

PERSON - means an individual, firm, partnership, corporation, company, association, joint stock association or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian or other representative.

RUNWAY - means the paved strip of ground established for the landing and taking off of aircraft.

STRUCTURE - means an object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines.

TREE - means any object of natural growth.

UTILITY RUNWAY - a runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less; Runways 7L and 25R at Deer Valley Airport are utility runways.

VISUAL RUNWAY - a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation; Runways 7L and 25R at Deer Valley are visual runways.

Sec. 4-___ ZONES. In order to carry out the provisions of this ordinance, there are hereby created and established certain zones which include all of the land, planes and surfaces lying within the Instrument Approach Zones, Visual Approach Zones, Transition Zones, Horizontal Zone, Conical Zone and TERPS Zones and within or above the City of Phoenix. Such areas and zones are shown on the Airport Zoning Maps which are attached to this ordinance, included herein and made a part hereof. The various zones are hereby established and defined as follows:

(a) Runway Larger Than Utility Non-Precision Instrument Approach Zone - the inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3500 feet at a horizontal distance of 10,000 feet from the primary surface, its centerline being the continuation of the centerline of the runway.

(b) Utility Runway Visual Approach Zone - the inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1250 feet at a horizontal distance of 5000 feet from the primary surface, its centerline being the continuation of the centerline of the runway.

(c) Horizontal Zone - the horizontal zone is hereby established by swinging arcs of 5000 feet radii for all runways designated as utility or visual (Runways 7L and 25R) and 10,000 feet radii for all others (Runways 7R and 25L) from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs.

(d) Transition Zones - transition zones are hereby established adjacent to each runway and each approach zone as indicated on the Airport Zoning Map. Transition zones for Runway 7R-25L are symmetrically located on either side of the runway and extend outward from a line 250 feet on either side of the centerline of said runway. Transition zones for Runway 7L-25R are symmetrically located on either side of the runway and extend outward from a line 125 feet on either side of the centerline of said runway. The transition zones are parallel to and level with the runway centerline. Further, transition zones are established adjacent to all approach zones, for the entire length of the approach zones and flare symmetrically with either side of the runway approach zones from the edges of such zones.

(e) Conical Zone - the conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4000 feet.

Sec. 4-____ HEIGHT LIMITATIONS. Except as otherwise provided in this ordinance, no structure shall be erected or altered, nor any tree planted or allowed to grow in any zone created by this ordinance to a height in excess of the height limit herein established for such zone. For purposes of this regulation, the height limits shown on the Airport Zoning Maps, together with the designations listed below, are hereby established for each of the zones as follows:

(a) RUNWAY LARGER THAN UTILITY NON-PRECISION INSTRUMENT APPROACH ZONE - one (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at the end of the primary surface on Runway 7R-25L; and extending for a distance of 10,000 feet.

(b) UTILITY RUNWAY VISUAL APPROACH ZONES - one (1) foot in height for each twenty (20) feet in horizontal distance, beginning at the ends of the primary surface on Runway 7L-25R for a distance of 5,000 feet.

(c) TRANSITION ZONES - one (1) foot in height for each seven (7) feet in horizontal distance measured at right angles from the edges of all primary surfaces and approach zones, to a point where the zones intersect with the horizontal zone.

(d) HORIZONTAL ZONE - shall be 1625 feet above mean sea level, which is 150 feet above the established airport elevation.

(e) CONICAL ZONE - one (1) foot in height for each twenty (20) feet of horizontal distance, beginning at the periphery of the horizontal zone extending to a maximum height of 1825 feet above mean sea level.

Where an area is subject to more than one (1) height limitation, the more restrictive limitation shall prevail. Any tree or structure which may be erected, or caused to be erected, by the City of Phoenix for public purposes, is hereby exempted from the height limitations of this ordinance.

Sec. 4-___ USE RESTRICTIONS. Notwithstanding any other provisions of this ordinance, no use may be made of land within any zone established by this ordinance in such a manner as to create electrical interference with navigational signals or radio communication between Deer Valley and aircraft, make it difficult for flyers to distinguish between Deer Valley lights and others, impair visibility in the vicinity of Deer Valley or otherwise endanger the landing, take-off, or maneuvering of aircraft intending to use the airport.

Sections of the draft ordinance addressing

NON-CONFORMING USES
ENFORCEMENT
AIRPORT BOARD OF ADJUSTMENT
JUDICIAL REVIEW
PENALTIES
CONFLICTING REGULATIONS
AMENDMENTS
SEVERABILITY
REPEALER, SAVING CLAUSE

are not included in this recommended text. They would follow closely the language of the Sky Harbor ordinance.

Airport Height Zoning Map A

Figure B-1

PHOENIX-DEER VALLEY MUNICIPAL AIRPORT

